

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

|                           |   |                           |
|---------------------------|---|---------------------------|
| UNITED STATES OF AMERICA, | ) | CASE NO. 5:20CR00112      |
|                           | ) |                           |
| Plaintiff,                | ) |                           |
|                           | ) | JUDGE PATRICIA A. GAUGHAN |
| v.                        | ) |                           |
|                           | ) | GOVERNMENT'S SENTENCING   |
| ALLEN MARTIN KENNA,       | ) | <u>MEMORANDUM</u>         |
|                           | ) |                           |
| Defendant.                | ) |                           |

Now comes the United States of America, by and through its counsel, Bridget M. Brennan, United States Attorney, and Duncan T. Brown, Assistant United States Attorney, and respectfully files this sentencing memorandum for Defendant Allen Martin KENNA. The mandatory minimum sentence of 60 months required under 18 U.S.C. §844(i) is the appropriate sentence in this matter. This sentence is anticipated by the plea agreement, supported by the Pretrial Services Report and justified by the nature and circumstances of the offense.

**FACTUAL SUMMARY OF THE CASE**

On or about January 6, 2020, Cuyahoga Falls Police Department (hereinafter “CFPD”) responded to a report of a suspicious person at the Cuyahoga Falls High School (hereinafter “CFHS”). The individual later identified as KENNA, who was not a student, was observed by school personnel in the school after normal school hours and followed him as he walked through the school and appeared to be filming the hallways for approximately fifteen minutes. When school personnel attempted to make contact with the individual, KENNA fled the property.

A subsequent review of the video revealed KENNA, wearing sunglasses, light colored camouflage shirt, as well as dark colored gloves, jacket, pants, shoes, and backpack. KENNA carried a handheld electronic device, similar in appearance to a cellular telephone, with which he appeared to film the school hallways, in particular hallway intersections, stairways, and exits. During these video clips, KENNA could be heard making comments about the location of doors, hallways, and his own attempts to avoid detection by students still in the school.

Interviews of people who knew KENNA revealed that leading up to January 6, 2020, KENNA made several statements about shooting up CFHS, and KENNA specifically stated that he would shoot up the school that week during lunches.

At that time KENNA also asked certain individuals specific questions about CFHS, such as the location of the School Resource Officer, location of exits, what parts of the school are monitored, and if they would be willing to place a bag next to the School Resource Officer. KENNA also asked one person about the size of the CFHS lunch crowd at different times, and commented that a small crowd would be easier to control. KENNA also corrected that individual regarding the specific location of a wheelchair within CFHS, and which appeared on the videos KENNA made on or about January 6, 2020. KENNA told the individual, "If I see you, [at CFHS], I want you to go find an exit, go home, and listen to Ghostmane, and play Fortnite."

On or about January 8, 2020, law enforcement seized certain electronic devices from KENNA, along with personal items from his bedroom.

Evidence of 18 U.S.C. § 844 (i)

On KENNA's cellular telephone were searches for the following topics:

- a. Active shooter and threat news stories,
- b. Entertainment media centered on the theme of school shootings,
- c. Schools in the vicinity of Cuyahoga Falls, including Lincoln Elementary and Stow-Munroe Falls High School,
- d. Cuyahoga Falls Police Department personnel,
- e. Research into firearms and weapons handling tactics,
- f. Tradecraft, such as changing your phone number, shutting off fire alarms, and cutting phone lines, and
- g. Timed explosives, including the search terms “isis time bomb.”

KENNA’s laptop contained an electronic diary or journal kept by KENNA in which he discussed his plans and desires concerning researching, planning, and carrying out an attack at CFHS using explosives and firearms. The journal entries refer to events starting from at least as early as August 24, 2018, to January 5, 2020. The journal entries discuss plans, research, and the refinement of a timeline consistent with other videos, photos, and statements created by KENNA and recovered from his seized devices.

Specifically, the following journal excerpts were found to discuss a plot to use explosives at a school:

- a. 8/24/18 [Typed 10/10/2019]: Well, my dad over heard that, and he came upstairs to say "you had all of the freedom in the world" "we found a pipe bomb in your room!" (Not an actual pipe bomb, just materials to make one).
- b. 8/31/18 [Typed 10/10/19]: Right now, they are outside using my sparklers... “Hey guys, those are for my bombs!” Even though I was “punished they REALLY f\*\*\*ked up. Like I said, the punishments were stupid. Sure, they can “stop” me temporally, sure. But there is no way that this will make me not want to do “this”. No way in h\*\*l. I want to do “this” now more than ever.
- c. 9/2/18 [Typed 10/10/2019]: [H]e [KENNA’s dad] freaks out "...[Y]ou angry because we took your bombs?"
- d. 10/31/19: Anyway, some cool things are happening soon...I CAN get those! Yeah, that right! I have a guy won't say his name just in case ATF or FBI, or some other stupid terrorist organization, somehow is reading this. But I know this cool guy who said he is willing

to help me out with the guns, and he said he would help me get some pistols from pro arament.... I'm gonna get like a 12 gauge shotgun and I hope an HK pistol, or maybe a glock, but something higher quallity, and who knows maybe get two pistols or something. Thats just for weapons I can't get on my own. I'm gonna get a kel tec sub 2000 too I think, very cool gun, and either a AR-15 or a kalashnikov. Shit, why not both! lol, guns are pretty cool.

e. 11/11/19: I don't really plot on paper anymore, cause thats dangerous (part of the reason to go digital and submit to the machine is the security)... but I do care about action. Thats what I want... I want to take real action, I want to take violent action, and I don't care what it accomplishes. Mowing down a crowd of 30 or so people wouldn't cause some race war or anything, but it would sure feel good... You know I don't think going out and shoot up a crowd of people would start a revolution either, but it just, I don't know, I want to. I want to bomb places and set buildings and people on fire, I don't know why, I just do. I don't really care for this revolution as he calls it, I'd only see it as an excuse to do that. Plus, hes always saying "it will be a few years, like 2030" no way am I gonna wait that long.

f. 11/27/19: I've decided to restart all operations. I've been in some sort of a limbo stage after my parents found the IED materials and whatever, too afraid to start any actual work again. But I believe that was fate, telling me I just wasn't ready yet. I think back to the first time my room was raided, and my molotov was found, I know I wasn't ready yet. Fate was slowing me down, which is a good thing. My first plot or plan, back when I was 14, I knew I wasn't ready for the type of stuff I wanted to do. Which was killing my family and a list of people I came to know, not even people I hated. I get nostalgia thinking about my first plot...But wanting to kill random people? I'm not too sure why exactly I wanna do that. But I know I sure do, and why not? what do I have to lose? I can't think of anything, and it would be cool to finally use my knives and stuff anyway. Although, while I was waiting all this time, I have realised a knife won't do all that I want to do, it will only do so much, because after a while I'd run into someone with a gun...I've been study CQB and CQC, studying knives, guns, explosives, all of these fun things. But oh yeah, today, its offical now, I'm going to start operations again, instead of trying to be passive, wasting time, I think I'm ready now. I know I am because fate has given me a dead line. The family plans to move in the next year or so. I figure that gives me enough time to finish what I'm doing, what I've been planning off and on for the past, what 4-5 years now? I haven't been doing nothing in this time, I've been collecting weapons, knives, tactical gear, ammunition. I was collecting a lot of ammuniton actually, but that was stolen in the third room raid, along with most of my knives, not all though, I still had some hidden away of course, and a few on me too. That was funny to me, they though they took all my knives, but I had two on me and like eight hidden. Anyway I know where that ammunition is, but its not enough, no where near enough. I need to get more, and thats what I mean by activly continuing operations. The D.O.D. as I will call it from now on is aproaching. Think of it as some sort of storm, with clouds of judgment, and rains of hell.

g. 1/4/2020: I think about the future a lot, about what I sort of have to do, I kinda wish I didn't want to do this stuff. But there is just something inside me, that just keeps pushing and pushing... I really do just hate the way my mind is wired. I'm constantly thinking about the most

efficient ways to bring the most death to as many people as I can, when I'm in public, its mostly random people, and when I'm at home its mostly my family. I've always had these thoughts as long as I can remember, they used to be just about my family, then I started to include other people with my family.

Consistent with the content of these excerpts, KENNA also had in his possession six to eight homemade videos in which KENNA entered CFHS after regular school hours, walked on the grounds of the school, and discussed physical layout and logistics of entering and moving in the school. These videos are consistent with the statements Interviewee-1 provided the police.

KENNA's laptop also contained a United States Army technical manual from 1969 entitled "TM31-210 Improvised Munitions Handbook." In the manual are directions for how to assemble improvised explosive devices under chapter headings of "Explosives and Propellants," "Mines and Grenades," "Small Arms Weapons and Ammo," "Mortars and Rockets," "Incendiary Devices," and "Fuses, Detonators, and Delay Mechanisms." The chapters provide step-by-step instructions on how to construct explosive devices using materials found in civilian settings.

KENNA's laptop also contained a folder with an electronic edition of Inspire magazine, Summer 1421, 2010 edition. Inspire is published by Al-Qaeda, and this edition contained an article entitled "Make a Bomb in the Kitchen of Your Mom." Upon review by FBI bomb experts, it is an authentic Inspire edition, and the article contains a step-by-step guide discussing parts, materials, timers, and with photos, which would create a functional IED.

Also found in KENNA's bedroom, under KENNA's bed, was a box with the following items: a large box of at least 300 wooden matches, match books, a strand of 100 count Christmas lights, a package of two 9-volt batteries, electrical tape, various knives, paracord, eye protection, two tubes of super glue, two small compressed air cartridges, duct tape, a Zippo lighter, two cans

of lighter fluid, and two rolls of duct tape. Also found in KENNA's room was a package containing approximately four road flares.

Based on the review of the Inspire magazine article, the matches, knives, electrical tape, Christmas lights, super glue and 9-volt batteries were all supplies listed as necessary components for making an improvised explosive device.

In addition to the surveillance videos made by KENNA, there were an additional six photos on KENNA's laptop. Five were of the Stow-Munroe Falls High School taken from various angles. The sixth photograph was of a class of elementary school-aged children surrounding a Stow police officer.

KENNA's laptop also contained a folder with a 1991 document entitled "MIT Guide to Lock Picking," in which the technique for lock picking was discussed, and numerous notes, a spreadsheet, and other research materials compiled by KENNA detailing the price of Glock and H&K pistols which KENNA also mentioned in the October 31, 2019 diary entry, the weight of ammunition, and notes on how the Transportation Safety Administration (TSA) screens for non-traditional items that could be used as weapons on flights.

Finally, KENNA's cellular telephone contained the following search terms for videos and webpages, accessed from between January 1, 2020 until January 5, 2020, for "The SeaBee Combat Handbook," searches for virtually every reported school, nightclub, or church shooting, numerous searches for the Manhattan, Kansas, Lee Elementary School hoax, articles on how to carry multiple weapons, lock picks, ammunition pouches, hostage taking tactics, news articles about school shootings after hours, how to disable alarms, how to disconnect phones from outside a house, fire sprinkler turn off, Cuyahoga Falls High School, Lincoln Elementary,

Cuyahoga Falls Police Facebook, practice grenades, local churches prep for active shooter, timers (countdown), improvised munitions handbook, bomb threat Stow Munroe-Falls High School, wiki picture of Stow-Munroe Falls High School, and Cuyahoga Falls Veale Youth Entrepreneurship Forum.

The cellular telephone also contained searches from May, 2019 to December 31, 2019 about Lee Elementary in Manhattan, Kansas, local gun stores and pawn shops, dozens of articles on mass shootings and school attacks, shooting range locations, body armor specifications, streaming videos of suicides, the location of Governor Mike DeWine, guides on how to make cyanide poison, electrical ignition of gunpowder, photos or layouts of area schools, how to evade the FBI, how to build a cell phone jammer, how to make sarin gas, pipe bombs, pressure cooker bombs, and more directions from KENNA's home to multiple local schools.

Evidence of 18 U.S.C. § 875 (c), Interstate Communication of Threats

On or about November 13, 2019, KENNA placed phone calls to law enforcement in Manhattan, Kansas, claiming to be an active shooter inside Lee Elementary School, also in Manhattan, Kansas. In response to this call SWAT officers from the Riley County Sheriff's Department responded to the school; after several hours of speaking with KENNA, posing as the alleged gunman over the telephone, the SWAT team entered the school and discovered the event was a hoax.

Contained in KENNA's laptop journal were entries discussing his role in the hoax in detail:

- a. 11/13/19: Oh, also, lee elementary school in manhattan kansas. lol, that was fun, these news outlets are stupid though they got like everything wrong and stuff. Said I did it for notoriety, well why would I try to hide my identey then? Lol. I mean I guess it could possible get me notoriety in the long run, but I was just bored, thats all.

Review of KENNA's internet search history from November 13, 2019 revealed a search for "[A.B.]... tell him you served in Chechnya in 1999", followed by searches regarding Grozny, Chechnya, which was mentioned by the caller during the hoax. KENNA's search term appeared to have been copied from an online chat, sent from A.B., who resided in the vicinity of Manhattan, Kansas at the time of the call. KENNA also conducted a search for the email address of the Riley County Negotiator, which was provided by the negotiator to the hoax caller. Many of KENNA's other search topics and phrases related to the hoax, or relayed in some fashion to Riley County Sheriff's Office, were provided by A.B. while KENNA was on the phone with law enforcement. Based on the recordings of the call, and the content of these searches, it is believed that KENNA was, in fact, the caller making the threats during the SWAT event and A.B. was on another line with KENNA at the time providing him information to give to the police.

### **LAW AND ARGUMENT**

The mandatory minimum sentence of 60 months required under 18 U.S.C. §844(i) is the appropriate sentence in this matter. Not only is the sentence justified by the facts and circumstances of the offense, but it is the only sentence available under the law. The Defendant does not qualify for any of the "safety valve" reliefs because of the dangerousness of his crime; likewise, there are no other arguments that could pierce the mandatory minimum set forth in 18 U.S.C. § 844(i). Although the Defendant offers a statement of acceptance of responsibility, based on the seriousness of his planned actions, and the lengths the Defendant took to secure the supplies and instructional documents needed to successfully manufacture Improvised Explosive Devices, mere acceptance does not change the appropriateness of a period of incarceration of 60



months, the statutory mandatory minimum.

The plea agreement, which continues to be fully supported by both parties, further justifies a 60-month sentence. Neither party suggests that Defendant's plea was anything other than knowingly, voluntarily and of Defendant's own free will. The plea agreement provides factual and legal justification for the agreed-upon 60-month sentence.

The Government anticipates, and joins, the Defendant's request for this Court to recommend his incarceration be spent in a facility capable of addressing his ongoing mental health issues. Consistent with his Court-ordered evaluation, such resources would serve the purposes and intents of incarceration and rehabilitation, and thus, is appropriate in this case.

WHEREFORE, the United States requests that this Court sentence the Defendant to a period of 60 months incarceration and asks the Court to recommend Defendant be assigned to a facility able to address his mental health issues, consistent with the plea agreement.

Respectfully submitted,

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